

HUMAN SERVICES DEPARTMENT [441]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 249A.4(9), the Department of Human Services proposes to amend Chapter 78, “Amount, Duration, and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

The proposed amendments add Medicaid coverage for behavioral health services provided by a licensed marital and family therapist (LMFT), a licensed independent social worker (LISW), or a licensed masters social worker (LMSW) practicing under the supervision of an LISW. These changes were mandated by 2008 Iowa Acts, Senate File 2425, section 123.

These amendments do not provide for waivers in specified situations because the Department holds that all providers should be subject to the same standards. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441--1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before August 6, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code section 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 before the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend 441—Chapter 77 by adopting **new** rule 441—77.26(249A) as follows:

441–77.26(249A) Behavioral health services. The following persons are eligible to participate in the Medicaid program as providers of behavioral health services.

77.26(1) Licensed marital and family therapists (LMFT). Any person licensed by the board of behavioral science pursuant to 645--Chapter 31 as a marital and family therapist is eligible to participate. A marital and family therapist in another state is eligible to participate when duly licensed to practice in that state.

77.26(2) Licensed independent social workers (LISW). Any person licensed by the board of social work pursuant to 645--Chapter 280 as an independently practicing social worker is eligible to participate. An independent social worker in another state is eligible to participate when duly licensed to practice in that state.

77.26(3) Licensed master social workers (LMSW). Any person licensed by the board of social work pursuant to 645--Chapter 280 as a master social worker is eligible to participate when providing treatment under the supervision of an independent social worker licensed pursuant to 645--Chapter 280. A master social worker in another state is eligible to participate when the person is:

- a. Duly licensed to practice in that state; and
- b. Providing treatment under the supervision of an independent social worker duly licensed in that state.

This rule is intended to implement Iowa Code section 249A.4.

ITEM 2. Amend 441—Chapter 78 by adopting **new** rule 441—78.29(249A) as follows:

441--78.29(249A) Behavioral health services. Payment shall be made for medically necessary behavioral health services provided by a participating marital and family therapist, independent social worker, or master social worker within the practitioner's scope of practice pursuant to state law and subject to the limitations and exclusions set forth in this rule.

78.29(1) Limitations.

- a. An assessment and a treatment plan are required.
- b. Services provided by a licensed master social worker must be provided under the supervision of an independent social worker qualified to participate in the Medicaid program.

78.29(2) Exclusions. Payment will not be approved for the following services:

- a. Services provided in a medical institution.
- b. Services performed without relationship to a specific condition, risk factor, symptom, or complaint.
- c. Services provided for nonspecific conditions of distress such as job dissatisfaction or general unhappiness
- d. Sensitivity training, marriage enrichment, assertiveness training, and growth groups or marathons.

78.29(3) Payment.

- a. Payment shall be made only for time spent in face-to-face consultation with the member.
- b. A unit of service is 15 minutes. Time spent with members shall be rounded to the quarter hour, where applicable.

This rule is intended to implement Iowa Code section 249A.4.

ITEM 3. Amend subrule **79.1(2)** by adopting **new** provider category “behavioral health services,” in alphabetical order, as follows:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Behavioral health services	Fee schedule	Fee schedule.

ITEM 4. Amend subrule **79.3(2)**, paragraph “**d**,” by adopting **new** subparagraph **(39)** as follows:

(39) Behavioral health services:

1. Assessment.
2. Individual treatment plan.
3. Service or office notes or narratives.